

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-12 and 26-37 were pending in this application. Claim 38-40 have been added. Claims 33, 34, and 36 have been canceled. Claims 1, 6, 7, 12, 26, 27, and 32 have been amended. Following entry of the amendments claims 1-12 and 26-37 will be pending and at issue.

II. SUPPORT FOR AMENDMENTS TO THE CLAIMS

Claims 1, 26, and 27 were amended as shown above. Support can be found throughout the application, e.g., at least at claims 1, 26, and 27 as filed and Examples 1 and 7 at paragraphs 59-62 and 77-78 of the specification as filed.

Claims 6, 7, and 12 were amended merely to change their dependency.

Claim 32 was amended to include the limitations of canceled claims 33-34. Support can be found throughout the application, e.g., claims 33-34.

Claim 38 was added and includes the limitations removed from claim 1. Support can be found throughout the application, e.g., claim 1.

Claim 39 was added and includes the limitations removed from claim 26. Support can be found throughout the application, e.g., claim 26.

Claim 40 was added and includes the limitations removed from claim 27. Support can be found throughout the application, e.g., claim 27.

The amendments to the claims therefore add no new matter and entry is respectfully requested.

III. RESPONSE TO ADVISORY ACTION

In the Advisory Action the Examiner stated:

Applicant's argument is not persuasive because the claim does not recite a specific order of method steps. Wolfbeis teaches the steps of partially melting a glass substrate and also teaches a coating of a plurality of beads on a partially melted glass substrate as required by claim 1. Even though the particles are sprinkled on the substrate prior to heating, the coating is not performed until the particles have become partially embedded in the substrate. The particles are pressed into the glass after the glass has been partially melted, thus step of coating the beads as described in instant claim 1 occurs only after the partially melting step has been performed (claim 6, lines 50-60). Additionally, Wolfbeis teaches blowing off excess particles after heating to form the coating of particles. Therefore, Wolfbeis is interpreted as performing the coating step when the particles are partially embedded in the substrate, which occurs only after a step of partially melting.

Advisory Action at 3, emphasis added.

First, Applicant notes that only independent claim 1 was addressed in the Advisory Action. Independent claims 26 and 27 as well as all dependent claims were not addressed specifically or generally by the Examiner in the Advisory Action. Applicant respectfully requests clarification by the Examiner as to whether these unaddressed claims are now considered to be in allowable form in view of the cited art.

Second, in view of the above amendments to the claims, the Examiner's argument(s) in the Advisory Action are now moot. Specifically, the claims have been amended to recite a specific order that the method steps must be performed in and have replaced the term "coating" with the term "contacting" as shown above. As a result, the combination of the cited art would yield a method distinct from the claimed method. *See, e.g.*, claim 1 as amended. Using the cited art, one of skill would have taken the tube of Polansky, filled it with the pre-coated beads of Glad first and then heated the tube using the method of Wolfbeis after filling the tube with the pre-coated beads. Therefore, the combination of the cited art does not teach each and every element of the claimed invention and cannot render the claims obvious. A *prima facie* case of obviousness is not made.

DOCKET NO.: 26774-14267

Application No.: 10/767,251

Office Action Dated: February 24, 2010

PATENT

IV. EXAMINER INTERVIEW SUMMARY

On May 18, 2010, Applicant's Representative Kevin Evel-Kabler and Examiner Melanie Yu discussed the Advisory Action and the claim amendments noted above. Examiner Yu indicated that the amendments to the claims will likely overcome the current rejections based on the cited art.

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CONCLUSION

In view of the foregoing, the application is now in condition for allowance. The prompt issuance of a formal Notice of Allowance is therefore requested. If the Examiner believes that a personal communication will expedite further prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Dated: May 21, 2010

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